

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

STATE OF MISSOURI,	)	No. ED100154
	)	
Plaintiff/Respondent,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
v.	)	
	)	
DONNELL RIVERS,	)	Honorable Michael P. David
	)	
Defendant/Appellant.	)	Filed: September 2, 2014

Donnell Rivers (Appellant) appeals from the trial court’s judgment entered upon a jury verdict convicting him of first-degree murder, three counts of first-degree assault, four counts of armed criminal action and one count of unlawful use of a weapon. On appeal, Appellant argues the State failed to present sufficient evidence to support a reasonable inference of deliberation to sustain a conviction for first-degree murder and the trial court erred in excluding evidence that one of the victims previously had a dispute with a third party offered for the purpose of demonstrating that the third party had motive to commit the crimes.

AFFIRMED.

Division Two Holds: The State produced sufficient evidence from which a reasonable trier of fact could find cool reflection and deliberation by Appellant before committing the murder. The trial court did not err in excluding the proffered testimony that a third party had broken the windshield of one of the victims months before the shooting because the act did not connect the third party to the shooting and did not constitute a direct connection between the party and the crimes for which Appellant was on trial.

Opinion by: Sherri B. Sullivan, P.J.           Mary K. Hoff, J. and Philip M. Hess, J., concur.

Attorney for Appellant: Timothy J. Forneris  
Attorneys for Respondent: Robert J. Bartholomew

<b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</b>
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